

Chapter 3 – Criminal Cases

Criminal cases include proceedings in which the State of Arkansas holds a party or parties responsible for alleged violations of state law or local ordinance. Criminal cases may be filed in circuit, district, or appellate courts. Circuit courts can hear all criminal cases. District courts have subject matter jurisdiction over criminal cases involving misdemeanors and may also hear preliminary felony cases. When a criminal case is filed, designate the case as one of the following case types. When information includes multiple charges, the case type should be the one that best describes the nature of the case.

Criminal Case Type List

| | |
|--------------------|------------------------|
| Extradition | Misdemeanor |
| Extraordinary Writ | Misdemeanor Appeal |
| Felony | Post-Conviction Relief |

Criminal Case Type Definitions

| | |
|-------------------------|--|
| Extradition: | A proceeding in which evidence is presented so that the court can determine if a defendant should be surrendered to another state's jurisdiction. |
| Extraordinary Writ: | A type of criminal proceeding involving any one of a group of writs requested by a party, which, if granted, provides extraordinary remedy to the petitioner. Examples: writs of mandamus, quo warranto, habeas corpus, and error coram nobis. |
| Felony: | Cases alleging an offense punishable by incarceration for a year or more or death. |
| Misdemeanor: | Cases involving an offense punishable by incarceration for less than a year and/or fines. |
| Misdemeanor Appeal: | Criminal/violation appeals brought in a circuit court disputing the ruling or judgment of a district court. |
| Post-conviction Relief: | A type of post-adjudication activity involving a petition for post-conviction relief filed on behalf of the defendant. Examples: Request for modification of sentence, Rule 37 Petition. |

Unit of Count and Caseload Reporting

The statistical reporting of criminal cases is based upon the number of defendants. A case consists of a single defendant and a single incident regardless of the number of charges filed. A criminal case is considered filed when it is received by the clerk and a case number is assigned.

Basic statistical reporting of criminal cases is designed to include:

- the number of cases that are pending at the start of a reporting period;
- the number of incoming cases that have been added during the reporting period;
- the number of outgoing cases that were removed during the reporting period;
- the number of cases pending at the end of the reporting period;
- the number of cases with pro se defendants; and
- the number of cases requiring an interpreter.

Cases entered in error are not included in statistical reporting.

The caseload is also divided between active and inactive cases. The designation of a case as “inactive” is an exceptional event that is unrelated to whether or not recent action has occurred in the case; rather, it is a designation which is applied when the court is prohibited from taking action on the case due to events or circumstances which are outside of the court’s control.

Following are examples for designating a criminal case as inactive:

- the defendant has absconded, an arrest order has been issued, and the court has suspended activity until the defendant is returned to court;
- the court has ordered a fitness to proceed examination or a criminal responsibility evaluation;
- a case is referred by the court to a pre-adjudication specialty court program such as drug court or veterans’ court; or
- a stay is issued in the case from the Arkansas Supreme Court or Court of Appeals.

The following are counted as new case filings:

- A case filed in circuit court even if a district court has already held a first appearance;
- A case transferred from the juvenile division to the criminal division; or
- A case transferred between counties or circuits.

The following are NOT counted as new case filings:

- A case transferred from another division within the same county; or
- A case transferred to a specialty court.

The following are counted as reopened cases:

- A revocation of probation or suspended imposition of sentence that arises from a previous case.

The reopened case should keep the same case type as the original case.

In criminal cases, the following special notes apply:

- A case will be statistically counted as both a district court case AND as a circuit court case if some part of the case was heard in each court.
- A case with multiple defendants will be counted as a separate case for each defendant.
- Multiple charges in a single incident will be counted as one case per defendant.
- Criminal cases arising from traffic offenses, such as DWI, are filed as criminal cases. Other traffic offenses are typically filed in district court as traffic and local ordinance cases.
- If a defendant is pro se at any point in the case after arraignment, enter pro se as the party status even if the defendant retains counsel for some portion of the case.
- If any party to the case will require interpreter services, enter the language that person needs in their demographic information.

Manner of Filing

In each criminal case the manner by which the case arrives at the court for filing must be entered. The case may be a direct filing, a reopening of a case, a transfer from district court or another circuit, or an appeal from a lower court.

If the manner of filing is a reopening due to a revocation of probation or a suspended imposition of sentence, the case type should be the same as the original case.

Manner of Disposition

The manner of disposition is the manner whereby a case is closed or becomes inactive. A case is disposed when it has been closed by a judgment, a decree, or order of dismissal; Nolle prossed (dropped); or transferred to another jurisdiction. This officially occurs when the order is entered in the clerk's office or when the order is accepted by the electronic filing system. If an order is filed in open court, it must still be filed with the clerk's office on the next business day.

In criminal cases, the following special disposition notes apply:

- If two or more criminal cases involving the *same* defendant are consolidated after filing to be processed or tried as one case, only one case is kept open. Each of the cases except for the one into which the cases were consolidated should be reported as disposed at the

time of consolidation. When the consolidated case is decided, the disposition should be reported under the appropriate trial type and manner of disposition category.

- If two or more criminal cases involving *different* defendants are tried together, each of the cases should be reported as disposed individually.
- For criminal cases involving multiple charges, the case will not be counted as disposed until all of the charges have been resolved.
- If a mistrial occurs and the case is not to be retried, it should be disposed as a mistrial. The trial type will be jury trial if a jury was sworn before the mistrial. The manner of disposition will be mistrial

In some cases multiple trial types may occur. Choose the trial type that required the most judicial involvement. For example, in a case in which some charges were dropped and the remaining charges were decided by a jury, the trial types would be Jury Trial. If the defendant pled in the middle of a trial, the trial type would still be Jury Trial. If the defendant pled prior to a trial, it would be a Plea.

Criminal Trial Types

| | |
|--------------|--|
| Jury Trial: | A trial in which a jury is impaneled to determine the issues of fact in a case. A jury trial should be noted as the disposition manner if the jury has been sworn, regardless of whether a jury verdict is reached. |
| Bench Trial: | A trial in which a judge hears the case. A bench trial should be noted as the disposition manner in any case in which a witness is sworn or evidence is introduced in a proceeding, regardless of whether a judgment is reached. |
| Plea: | A case in which the defendant and the prosecutor agree to a disposition, subject to approval by the judge. |
| Non Trial: | Any type of disposition that does not involve a bench trial or a jury trial. Examples include dismissals or Nolle prosequi. |

Criminal Disposition

Each charge in a criminal case must have a disposition. For a case to be closed, every charge must be disposed. Available dispositions in criminal cases include:

| | |
|---|--|
| Acquittal mental defect: | A case in which a defendant was found to lack either the capacity to understand the criminality of his/her conduct or to follow the law as a result of mental illness. |
| Appeal withdrawn: | A case in which the defendant withdrew an appeal from district court to circuit court. |
| Change of venue: | A case which was transferred to another jurisdiction. |
| Consolidated/ Joined: | A case closed because it was combined with another case involving the same defendant. |
| Deferred: | A charge postponed to a future time, usually with requirements that the defendant must complete in order for the charge to be dismissed. |
| Dismissed: | A charge disposed without an acquittal or finding of guilt. |
| Dismissed – conditions completed: | A charge dismissed as a result of a defendant completing conditions set by the court. |
| Dismissed – defendant deceased: | A case dismissed as a result of the death of the defendant. |
| Dismissed – remanded to district court: | A case dismissed and returned to district court to adjudicate the charge(s) or to reinstate the district court disposition. |
| Dismissed – speedy trial: | A case dismissed as a result of delays in prosecution. |
| Guilty: | A charge for which the defendant was found responsible for the crime or offense. |
| Mistrial: | A charge for which a trial began but was halted before reaching a conclusion on that charge. |
| Nolle Prosequi: | A charge dismissed by the prosecutor with the permission of the court. |
| Not guilty (acquittal): | A charge for which the defendant was found not to be responsible for the crime or offense. |
| Petition denied: | A case in which the court denies a petition. |
| Petition granted: | A case in which the court grants a petition. |
| Revoked: | A case in which probation or a suspended sentence is revoked. |

Transferred to Juvenile: A case which is transferred to the juvenile division.

Transferred to specialty court: A case which is transferred to a specialty court, such as drug court, veterans' court, or DWI court.

DRAFT